

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

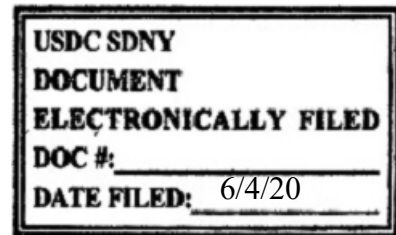
ANDREA ROSSBACH,

Plaintiff,

-against-

MONTEFIORE MEDICAL CENTER, et al.,

Defendants.



19-CV-5758 (DLC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Defendants' letter-application (Dkt. No. 29) seeking "clarification" of my May 21, 2020 Order (Dkt. No. 28) is DENIED. This action is referred to me for settlement only. In the May 21 Order, I did not "instruct" the parties to search the cellphones of plaintiff and the individual defendants for relevant text messages or other ESI. Instead, I noted (as I had during the teleconference earlier that day) that given the evidence recently produced from plaintiff's cellphone, a settlement conference is unlikely to be productive until all three individual parties' cellphones have been searched for relevant text messages or other ESI. In my view, given the nature of the allegations in this case, those searches should have been conducted long before now, regardless of whether the individual parties recall having sent or received relevant messages. Thus, I adjourned the settlement conference until that basic discovery is completed. Nothing in defendants' letter dated May 28, 2020 (Dkt. No. 29) changes my view as to what is required in order to conduct an effective settlement conference. Consequently, no clarification of my May 21 Order is necessary.

Dated: New York, New York
June 4, 2020

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge